THE DEATH PENALTY.

Execution of Two Negroes in North Carolina.

PARTICULARS OF THEIR CRIME.

SCENES AND INCIDENTS AT THE GALLOWS

BALWAX, N. C., June 4, 1869. Baker and Thomas, two negroes condemned for the murder of a colored man named Wade Ditcher in Weldon about one year ago, were to-day privately HISTORY OF THE MURDER.

niet little town or village of Weldon, in this county, was the scene of no ordinary excitement among the resident freedmen. Wade Ditcher, a young negro sherman, of good character, remarkable for honest and uprightness, was found missing under circum stances peculiarly suspicious. He had not been seen since the Saturday evening previous, and, his friends becoming uneasy, search was made for him and inquiries as to his whereabouts instituted, but without arriving at any definite information. Some thought it probable that he had gone into the counfound moored where he generally left it. The entire day, however, passed into eternity and an anxious night among Ditcher's friends followed, with no news of the missing man, except the cir-cumstance that he had been seen late on Saturday night with two or more negroes, with whom it was ascertained he had been gambling. Freedmen collected in large numbers discussing, in their peculiar way the strange absence of Ditcher, and when it was discovered on Monday morning that his fishing boat had been loosened from its moorings on Sunday night and drifted down the river, and that one of his oars only was found in the boat, as if to give the impresson that he had been drowned, they shook their heads gravely and at once concluded there had been foul play somewhere. Naturally impulsive and excitable, the freedmen now arrested a negro named Jim Thomas, who nad been seen in Ditcher's company on Saturday night, on the presumptive evice that he must know something of the missing man. It had become the general belief that Ditcher was murdered, and some inadvertent remark dropped by Thomas strengthened this belief, and implicated, in their minds, Thomas with the murder. Let the impression once become established among be among them, and, with a sort of superstitious idea of "blood for blood," they will bunt and quickly bring him to justice. Thomas was arraigned before a magistrate's court, a number of witnesses were summoned, and testimony elicited that Wade Ditcher had been gambling on Saturday night with Jim Thomas and Gus Baker : that th had been seen at a late hour on Saturday night under night. Nothing criminating suspected parties was proven, and the case was dismissed until further developments. The gambling had occurred in a portion of a dilapidated hotel which had been chiefly inhabited by negroes for some months.

DISCOVERY OF THE DEAD BODY. With redoubled zeal the negroes continued to ferret out the hidden mystery of the missing man, and if possible to bring to justice any who might be guilty of his murder. On Tuesday traces of blood were discovered in the street near the railroad depot, and from that point blood stains could be seen upon the ground for a distance of 200 yards in the direction of the river. In the afternoon of the same day blood marks were also found reaching from a point near the old hotel, where Ditcher was last seen, to the boat wharf at the river, and pursuing investigation still further blood stains were found in an old closet in the hotel, together with a pack of cards, which were marked with blood too. These sacts, taken in connection with the removal of Ditcher's boat the night after he was missing, made the case still more mysterious, and Tuesday passed without solving the extraordinary aralir, excitement being on the increase. On Wednesday, however, all doubts were set at rest as to the fate of the missing man. A party of fishermen in the river, near an abrupt being of the stream, discovered a black mass of something floating towards them, and after hauling it near enough found it to be the dead body of a colored man. They quickly brought it ashore, and though much disfigured and mutilated about the features, the body was at once recognized as that of the missing man. Wade Ditcher. A coroner's inquest was field, evidence in effect as above being elicited, and a verdict that "deceased came to his death by blows from clubs or like weapons in the hands of some persons unknown" was rendered. From the circumstantial evidence adduced, however, the arrest and committal on suspicion of five negroes, as follows:—Gus Baker, George Rayline, Jim Thomas, Dick Williams and Frank McAllister, was considered fustifiable by a court which subsequently examined into the murder.

court which subsequently examined into the murder.

COMMISSION OF THE DEED.

Excitement ran high among the negroes, and so intense was the indignation and feeling against the suspected murderers that threats of lynching were reely uttered, and it was only by the cool and sober counsel of more experienced white men that that summary pinishment was not brought into requisition, which probably might have hurried two innocent parties, without notice or preparation, into the presence of their Maker. On the Monday following their incarceration one of the accused signified his willingness to disclose all he knew concerning the murder, notwithstanding the threats and denunciation of his more guitty fellow prisoners. This was Frank McAllister, and his version is the exact statement of the affair as it occurred, and as the evidence afterwards proved it to be. After Wade Ditcher had won their money, and "broke" Baker, Bayline and Thomas, a quarret ensued in the hotein which the threat aiter attacked Ditcher. They all went out into the porch of the building, the hour being after midnight, when Gus Baker struck Ditcher across the face with a heavy weapon, Jim Thomas striking him immediately after with a club on the head, felling him to the ground, at which George Bayline exclaimed, with fiendish joy, "Damn him dat's got him." Ditcher's body (life being supposed to be extinct; was then taken and carried through Baker's room to the rear portion of the old dining room, which was altogether unfrequented. Much to the surprise of the nurderers, who visited their victim on Sunday morning, the day he was first missing, they found him still living. About the same time a considerable cry had been raised concerning his absence, and alarmed at this Gas Raker went again to the records of almost any nation for excessive brutality and horror. That Sunday in the murder has an difference of the most barbarous and afrocious murders ever heard of, challenging the criminal records of almost any nation for excessive brutality and horror. That S COMMISSION OF THE DEED.

and cheated the gallows out of three victims which it claimed for several months.

An ESCAPE.

To such viie and horrible wretches life is always precious and dear, and they were unceasing in their efforts to escape, but for a long time without success. At length opportunity was afforded parties interested in behalf of the murderers outside, who, finding that no guard had been stationed without the jail, effected an entrance to it, through the brick wall, with crowbars. The cell of the condemned was soon reacued, the boits wrenched off the doors, the shackles which bound the murderers were quickly fled in two, and once more they were at liberty. For a long time they roamed at large, but justice was not to be chested out of her dues, and one by one the Wale Ditcher murderers were recaptured and more securely confined than ever.

RE-SENTENCED.

and more securely confined than ever.

On the appeal the case of the condemned came before the Supreme Court of the State in December, 1868, the decision of the lower court being sustained, which sentenced the three cuprits to hanged. At the May term of Halifax Court, in May of the Typesent year, Gus Baker, Jim Thomas and George layline were recentenced by his Honor Judge

Watts to be "hanged by the neck until dead on the 28th of May, 1869."

28th of May, 1869."

Gus Baker, the principal criminal, bas all the look and bearing of a desperado. He is a mulatto, descended from that unfortunate and despised class known during the days of slavery as "free niggers;" is about thirty years of age, and is dayingushed as the owner of a reputation which has always been exceedingly bad. He talks very much like a bravado and looks with seeming indifference on the preparations for the execution, which quietly progress near the jall beneath his eye; but really he is the least prepared of all three to meet his just doom.

just doom.

Jim Thomas is black as ebony, of a stont build, and hais from the city of the "Plug Uglies." where doubtless he became miser of the art of clubbing. He is morose and sulien, appears despondent, without hope; refuses to speak freely to any one, as swering the few questions he is asked by monosyiables and sometimes nods of the head, and relieves the dull monotony of his confinement by alternately pacing to and fro in the cell and sitting down.

syniables and sometimes nods of the head, and refieves the dull monotony of his confinement, by alternately pacing to and fro in the cell and sitting down.

George Bayline, the third and last of the Wade Ditcher murderers, is also black, and shows all the characteristics of the negro in a countenance by no means prepossessing. The knowledge of his approaching doom preys heavily upon his mind, having reduced him from a stout, hearty man to a weak, emaciated creature, now compelled to he altogether on a paliet. He is confined by himself, and has suffered a good deal from the effects of a wound received when recaptured after his sexape. Both him and Baker are old sesidents of the vicinity in which they committed the atroclous crime for which they are now to suffer the extreme penalty of the law. Bayline has made a confession to the jail authorities, in which he substantially reterates the evidence taxen during the trial, without criminating himself. Little refinance is placed on this confession, as many suppose it has been done at the suggestion of lawyers with a view to obtain a commutation of Bayline's sentence. The following is

I went in Gus Baker's room, on the second floor of the old hote, between eight and nine o'clock on the night of the murder, and found block Williams and John Saunders playing across the bed. John Saunders stopped playing as soon as wonth. Wildiams instating, inasmuch as I was winner while thus dispatute jum Tommas and Wade Ditcher americants, while haker, thomas, williams and bitcher commenced playing manify terminating in a dispute between Wade Ditcher americants while the subject to the same time. This was probably between one and two c'clock. I had been looking on in the meaning in a dispute between Wade Ditcher and Gus Baker. Baker sapped Ditcher in the lace with his hand. Baker asking Ditcher out at the same time. This was probably between one and two c'clock. I had been looking on in the meaning in a dispute between Wade Ditcher and the kind of the proper of the subject of the pre

make this confession with the hope that it will avail me anything, but simply with a desire to satisfy the public as to the facts of the marder.

Early on the morning of the 28th of May (the day named for the execution) Bayline was respited until the 28th of June inst. The order respitting Baker and Thomas was not received unful all the preparations for their execution had been competed, and the two criminals were standing on the scaffold with the ropes around their necks and the black caps drawn over their faces. Another moment and they would have been launched in eternity, when Hayes, the colored member of the Legislature, was observed rushing through the crowd around the scaffold waving an envelope in his hand and shouting "Respited?" "Respited?" The caps were taken off, the ropes removed from their necks and the convicts were informed that their execution had been postponed until this day (June 4), pending which time the Governor would further investigate their case and decide whether they were fit subjects for further Executive elemency.

Senavorous would further investigate their case and decide whether they were fit subjects for further Executive elemency.

Senavorous of the product of the product of the very jaws of death on Friday last, as if by a miracle, they still continued to exhibit that hardened and callous demeanor characteristic of desperate criminals. Baker asked coolly, when he heard the telegraphic respite for one week read, to take the rope of his neck, as it choked him, and

nargened and canous demeanor characteristic of desperate criminals. Baker asked coolly, when he heard the telegraphic respite for one week read, to take the rope off his neck, as it choked him, and with the most remarkable fortitude the two walked back to their cells as unconcerned as any of the spectators present. A muscle had not quivered, a nerve had not been over excited in all this terribly trying ordeal, when the two stood amost face to face with their Maker. Since then a Catholic priest has been in constant communion with them, but until to-day, instead of spreparing for eternity, the condemned were led to indulge in the false nope that their sentence would be commuted to imprisonment for life. They had been baptized in the Catholic Church, and the few members of that denomination here were zealous in their efforts to obtain further Executive elemency. Special messengers were despatched to implore the Governor for mercy, but to no effect. The last of these returned yesterday evening with the sad intelligence that there was no hope; but this was not communicated to the condemned until this morning.

THE DEATH WARRANT.

THE DEATH WARRANT.

By the mail the Sheriff reserved the following death warrant, which settled all doubts as to their

fate:—
STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT, RALKIER, June 2, 1969.;
JOHN A. RRID, Esq., Sheriff of Halifax, Weidon;—
SIR—You are hereby commanded to execute the prisoners James Thomas and Gus Baker, hereto fore respited by me, on Friday, the 4th of June, between the hours of twelve and one o'clock, in accordance with the senence pronounced by the Judge. Herein fail not, and witness my hand and the great seal of the State, this second day of June, in the year of our

o'clock, is accordance with the senience pronounced by the Judge. Herein fail not, and witness my hand and the great seal of the State, this second day of June, in the year of our Lord one thousand eight hundred and sity-nine, andwh the ninely-third year of our independence.

INDIFFERENCE OF BAKER.

Of the two Thomas seemed the most repentant; but Baker, with his desperate determination to die game, remained savagely obstinate. His wife recently visited him to take a last farewell, but he treated her not only rudely, but brutaily. With the glee of a flend he remarked to the unfortunate woman, "Go and get three hickory rods, parch them and bring them to me, and if the Sheriff gives me a chance at you for one hour Pil give you something to remember me when I'm gone," meaning that he would whip her until she was almost dead. With tears in her eyes and an exchamation of pity for the hardened wretch, the broken-hearted waman, who is almost white, left his presence forever. Prior to retiring last evening Baker, in his desperado manner, ordered a big breakfast of good things and a julep for this morning. Still hopeful of a commutation of their sentence, the condemned retired and passed a night of peaceful rest.

in his desperado manner, ordered a big breakfast of good things and a julep for this morning. Still hopeful of a commutation of their sentence, the condemmed retired and passed a night of peaceful rest.

THE LAST MONNING ON EARTH.

This morning Baker ordered another julep and drank it with evident reish. Shortly afterwards the priest, accompanied by Mr. McMahon, a Roman Catholic, entered the cell and remained with the condemmed the entire morning, administering to their spiritual wants. At about eight o'clock this morning Baker's mother visited him in his cell. The priest, Mr. Conigland, and others were present, and the interview is said to have been quite affecting. His mother, learning that no hope was now entertained, bowed her head in sorrow and aiffiction and shed tears of bitterness. She clasped her miserable offspring to her breast and with the most vehement expressions, that went to the hearts of the bystanders, she again and again bade her son farewell, and in a puroxysm of grief she left the cell. She is in the most destitute circumstances. Throughout the morning hep priest remained with the condemned, and it is believed by many that they were counselled to make no public confession, as man could render them no assistance in this trying hour. Baker was very particular about the dress in which he was to die. He bought a pair of linen paints for the occasion, and gave minute directions as to the disposition of his bedy. He seemed to have a dread of the medical profession, and, therefore, wished his remains interred at Litueton, in the northwestern portion of the county, where his relatives have been buried, about twelve miles from here. Thomas received a letter from his brother at Yorktown, Va., acknowledging the receipt of one from him, counseling fortitude on his part. His brother said he would be with him in a day or two, but the hinormation arrived too late. It was too late to receive any succor, either secular or religious, from his brother. FEPARING FOR THE EXECUTION.

There was little excellenced

EUROPE.

The Discussions in the Cortes—Binaphemous Utterances of Republican Members—Carlist Movements—Poverty in the Capits—A Stum-bling Block—The National Loan, MADRID, May 18, 1869. Unfortunately for themselves, Artunately, per-

Unfortunately for the blasph/mous speeches of several republican deputies in the late sessions of the Cortes, especially those of Señor Suñer y Capdevila and of Señor Garcia Uniz, have done more devila and of Senor Garcia walk, have done more injury to their party, and given more strength to the monarchical cause than a thousand protests of their adversaries could have effected. A storm of indignation has been aroused against them. Senor Sufier, a doctor in Barcelona, where he was also Alcalde, was already known by his famous declarations. tion—"The two enemies of mankind are consump-tion and God!" (latists y Dios!) The debate upon ton and dod "(actors y Dios.) The decide along the article of the constitution authorizing liberty of worship gave him the opportunity of developing his opinions. When he begun by remarking that since the expulsion of the Moors the philosophy of Descartes had not been able to penetrate into Spain, thanks to the "sensual hypocrite." Isabel the First, and to the "ungrateful and dissolute" Isabel the Second, there were some murmurs in the House, especially as regarded his appreciation of the Catholic Isabel. But when, after scoming at all religion, expressing his desire that none should exist in Spain, affecting to enter into the origin of all religious belief, showing his gross ignorance in his comparison between Buddhism, Mo hammedanism and Christianity, he denied the ex-istence of God, the divinity of Christ, insulted the purity of the Virgin, denounced as an absurdity the doctrine of the Trinity, there arose so much confusion and clamor that the President vainty called to order, and at length declared that the Deputy should not continue his discourse. After much con-fusion Suner sat down and the republican party left

fusion Suner sat down and the republican party left the House.
We decline following his worthy successor and companion, Señor Garcia Ruiz, through the tissue of diasphemies with which he followed out the arguments of his friend. We would willingly do justice to the magnificent speech of the Bishop of Zaen, serious, moderate and learned, or to that of the Chanoine Monterola, who seemed to scatter as chaff the frothy arguments of the biasphemers, showing how they were mere plagfarists from Renau and other infidels. But these are clearly beyond the limits of a letter. All honest republicans regret the scandalous occurrences which have taken place on this occasion.

recasion.

The government, it must be allowed, are hurrying the discretion of the different articles, the debates on the discussion of the different articles, the debates beginning early and lasting far into the night, hoping before long to put an end to this interregnum, the before long to put an end to this interregnum, the evil consequences of which become daily more apparent. But, unfortunately, the want of union between the different chiefs increases daily. Some say, "Montpensier, or a republic;" others, "The Prince of Asturias and a regency." Others insist upon a directory, with three chiefs at the head. Some favor the Duke of Aosta, some the Prince of Hohenzollern, married to a sister of the King of Portugal. Even the name of Prince Aifred is brought in as a fitting candidate.

The Carlists are preparing for action. Great fears are entertained here of a republican outbreak. The poolie will join any party. The poverty in Madrid is positively frightful, and the accounts from the provinces give a melancholy picture of misery and starvation, aggravated by the intense heat and dryness of the crops.

provinces give a meianciny picture of misery and starvation, aggravated by the intense heat and dryness of the season, and the sonsequent probable failure of the crops.

Each general is supposed to be privately engaged in endeavoring to gain over the troops to his side. But probably the greatest obstacle to all pacific solutions of the question exists in the ambition of General Prim. He must be king, regent, dictator, president or director, otherwise he will in all likelihood conspire against whatever party comes into power. Serrano looks the picture of misery, Topete puzzled and confounded, publicly declaring that he never intended to make a revolution against Queen Isabella, but only against her "abominable ministers." So have they all sown the wind and are reaping the whitriwind with a vengeance. Under these circumstances it is perhaps not unnatural that Queen isabella continues to persist in her refusal to abdicate. Señor Figueroia, Mimister of the Treasury, gives little satisfaction to any party. His position is not an enviable one. The debate on the sabject of the loan was initiated in the Cortes by Señor Fernandez Cuevas, who desired to know whether the Mimister could inform them how much of the loan of 1,000,000,000 of reas had been contracted and if the operation was severe. "I hope," sand he, "that the saswer will be as clear as categorical, as precise as the gravity of the case requires; for, however sad the truth may be, it cannot be so much so as the panic and terror which have taken possession at this moment of all those who are interessed in Spanish credit and Spanish honor."

The answer of Figuerola was mysterious. "I assure the Cortes," said he, "that the loan is not only contracted and negotiated, but assured." At the same time he refused to make known the conditions of the contract, alleging that "were they made public at this moment they would only serve to give fresh arms to the enemies of the revolution and would prevent the loan from being brought to a happy termination."

This reserve ha

GERMANY.

The German Press on the Alabama Claims Difficulty.

A German opinion of the Alabama claims seems

worth recording. The Augsburg Allegemeine Zeitung

The Americans should think twice before entering upon a war with England. It is possible that the prevailing ignorance among the masses of the American people and the passion of the Irish party in the Union may hurry them into a rash and violent step; but England is by no means so weak, nor are they so strong as they imagine. American has no reasonable casus belik. The pretended offences of England are some years old, and in so far as they were offences, they were involuntary. As to the recognition of the South, the same course was followed by another European naval Power, and, indeed, necessarily; for if the South was not a beligerent Fower, neither was the North, so far as foreign nations were concerned. The fact is there is here nothing more than an ebuilition of insolent spite and malevolence on the part of the Americans. The English are not surprised at this, and their disposition towards the people to whom they are related does not in consequence undergo any change; but the time has come whom, as in the Trent affair, Great Britain believes herself to have reached the utmost limit of concession. Mr. Motley will be received in England with all the politeness due to him personally and officially, but we do not see what could be attained by the reopening of a negotiation which it has pleased the American Secretary to close. The Americans should think twice before enter-

ROME.

The Roman Press on Mr. Reverdy Johnson's

Mission to England.
The Osservatore Romano of May 14 comments upon Mr. Johnston's mission and the Alabama question.

from which the following is an extract:—
"The extraordinary popularity acquired by Mr.
Reverdy Johnson in Great Britain about a year ago is a well known fact. Never before has any repre entative been so caressed, so praised. A sovereign could scarcely have anticipated such honors. His trips to the chief cities of the kingdom were, in fact, triumphal marches; and the inhabitants seemed all dominated by the desire to testify to him their sentiments of sympathy and esteem. Corporations invited him to meetings and banquess; wherever he went fame preceded his steps, and the minutest details of his movements were eagerly passed from mouth to mouth. Mr. Reverly Johnson was a person gentle in his manners, an eloquent speaker, and everywhere made a speech that was seized with avidity by the press, and in a few hours was spread throughout England, and soon throughout the whole of Europe. The same spirit inspired ail of his allocutions. The friendship and the brotherly love between the people of England and of the United States, who, springing from one common stock, were made to love each other and prosper in unity. It appeared that by the medium of his co-operation the two governments of London and Washington were to swear eternal peace and a perpetual alliance. The question of the Alabama and been arranged between Reverdy Johnson and Lord Clarendon, and a convention had been signed. If England, during the civil war in America, sustained an attitude more hostile than oscillating, it was a political error over which a veil was to be cast. But they had reckned without the host it appears. Whether the Ambassador of the mighty republic had given his instructions too benevolent an interpretation, or gone beyond his faculty, or whether the new President, Ulysses Grant, follows a less conciliating policy than his predecessor, we ignore; but the treaty closed between the United States and Great Britain has been thrown out by the Senate almost unanimously. Senator Summer, a person of high intellect and an able orator, has made a violent accusation against England, enumerating the many and grave wrongs that she has practised towards America, and concluded by stating that England must hold herself responsible for the prolongation of an exterminating war. In his opinion dreat Britain has caused immense damages to American commerce; has inflicted humiliation on the gov triumphal marches; and the inhabitants seemed all fominated by the desire to testify to him their sen-

NEW YORK CITY.

THE COURTS.

UNITED STATES CIRCUIT COUST. The McHenry Perjury Case-Motion for a New Trial.

Before Judge Benedict.
The United States vs. John D. McHenry. fendant on a second trial was found guilty of permissioner Rollins and ex-Deputy Commissioner Harland. Yesterday motion for a new trial was made and will be argued this morning.

UNITED STATES DISTRICT COURT-IN ADMIBALTY.

Collision Cases-Decisions.

Robert S. D. Simmons vs. Steamboat Spray, Her Engine, &c.-This is a libel filed by the owner and master of the British schooner Elizabeth to recove damages for a collision which occurred in the East river between the schooner and a barge on Septem-

river between the schooner and a barge on September 10, 1886. The Court, on reviewing the evidence, gave a decree for the libeliant with costs.

Patrick C. Mockler and Joseph F. Newton vs. The Steam Propetter Unit, her engines, &c.—The libel in this case was filed by the owners of the steamboat Lillie, to recover damages for a collision between her and the Unit on November 22, 1887, at seven A. M., whereby the Lillie was sunk. The collision occurred near the slip between piers 10 and 11 North river. The Court gave a decree for the libeliants with costs.

Witner C. Wilson and John Review vs. The Steams

river. The Court gave a decree for the necessary with costs.

Giver C. Wilson and John Bergen vs. The Steamboat Chymaga.—The canal boat Floating Battery, owned by the libeliants, while being towed by the Cayuga down the Hudson river, struck on the rocks near West Foint, on the morning of the 27th of May, 1867, and was sunk.

The Court holds that the canal boat struck through the negligence of the Cayuga in suffering her to swing too far to the westward in coming around Magazine Point, and orders a decree for the libeliants for the value of the boat and her cargo, which were totally lost, with costs, and orders a reference to ascertain and report the amount of damages.

UNITED STATES COMMISSIONERS' COURT-IN ADMIRALTY. The Alleged Mutiny on the Ship Eldridge.

Before Commissioner Osborne.

The United States vs. John Saunders,—The defend ant, a seaman on the American ship Asa Eldridge, charged with having conspired to cause a mutins, was brought up for examination. The prisoner, who is a desperate looking man, shipped on the Eluridge at Hong Kong, and, as charged by the captain and other witnesses, engaged in a plot to murder the officers and then rob the vessel. In pursuance of this plot, as alleged, eight seamen escaped at Manila and two at Angoa, and in a quarrel with the mutineers, the prisoner stabbed one of the number. He was put in irons and brought on for examination to this port. The examination is set down for Tuesday next.

UNITED STATES COMMISSIONERS' COURT—IN BANKRUPTCY. Examinations Ordered.

Before Commissioner Betts.

The United States vs. Moses E. Crasto.—The defendant was brought up for examination on a charge of having omitted two notes from a schedule be had filed in the Bankruptcy Court. He was held on his own recognizance to appear on Monday for exami-nation.

nation.

Michael Leary and Ross Phillips, charged with
frauds under the Bankruptcy act, also appeared before the Commissioner, and the examination in their
case was set down for Tuesday.

SUPREME COURT-CHAMBERS.

A Curious Habens Corpus Case-A Child Repels Her Mother's Affection.

Ectore Judge Cardozo.
In the Matter of Jane Ellen O'Connell, an Infant.-The relator, Jane Ellen, is a child of about eight or nine years of age. About seven years ago the child's mother gave her into the keeping of John O'Connell, uncle of the child, and during that period he has treated her with great kindness and care, and she now regards him more with the affection of a child towards its parent than an uncle. Since that time the child's mother has remarried, her former husband being dead, and she is now in a position to provide well for and bring up her little daughter. The mother, Bridget McCormack, made applica-The mother, Bridget McCormack, made application to this court upon a writ of habeas corpus to compel John O'Connell to surrender the child to her custody. Mr. O'Connell appeared as his own counsel and claimed that the child did not desire to go with its mother, but, on the contrary, preferred to romain with him, and that on one occasion, in consequence of the mother's attempt forcibly to take her away, the child was sites for a considerable time. No pretence was made that the mother is not morally and pecuniarly competent now to take care of her child.

and pecuniarly competent now to take care of her child.

Judge Cardozo, after hearing the motion, decided to award the custody of the child to Mrs. McCormack, and the parties shortly left the court room.

As soon, however, as they reached the outer door of the building the child, upon her mother attempting to take charge of her, became very refractory, cried, protested that she would not go with her mother, and, throwing herself down upon the iron stoop, held fast by her nands to the grating. A large crowd assembled about the scene, and Judge Cardozo hearing of the fact left the bench and had the recusant juvenile brought before him in his private room. The Judge is generally acceded to be a generally acceded to go a generally acceded to be a generally acceded to be a generally acceded to the company her mother failed, and he at last consented that, for the present, at least, the little girl should remain with her uncle. The mother has always had, and is still to have, the privilege of visiting her daughter. Finally the child went off onter the failed, went of onter the child went off onter the child went of onter the child went of onter the child went off onter the child went of onter the child went off th

The Union Pacific Railroad Litigation Again. Charles W. Pollard vs. The Union Pacific Railroad Company et al.—The allegations and relief sought in this action are substantially the same as the the Fisk suit, and the case came up yesterday on a motion, under the provisions of the act of Congress of 1867, to remove the cause for trial to the United States Circuit Court, and for the estoppal of all proceedings in this court in the action. The motion was made by the defendants, Qakes Ames and Messrs, Tuttle and Crane, who claim to be non-resi

was made by the defendants, Qakes Ames and Messrs. Tuttle and Crane, who clafin to be non-residents of this State.

Ex-Judge Emott appeared for Oakes Ames, Clark Beil on behalf of Messrs. Tuttle & Crane, and David Dudley Field for the piantuf, Pollard.

Judge Cardozo expressed the opinion that it was unnecessary for him to hear any argument in the matter, all the facts being conceded to be virtually the same as those involved in the Fisk smit, which was now pending before Judge Nelson, of the United States Circuit Court of this instrict, and he would say further, without intending any reflection whatever upon any of his associates on the bench, that he would immerity follow the decision of Judge Nelson when rendered, the whole matter having been fully and exhaustively laid before that Judge for consideration and determination.

Ex-Judge Emoit suggested that in view of the present condition of Judge Nelson's health his decision in that matter might not, at least for a long time, and perhaps never, be rendered.

Judge Cardozo said that that was a matter which would, of course, develop itself. There was at present no reason to anticipate such a result, and the matter could be allowed to await a reasonable time.

The case was then submitted to the Court.

The case was then submitted to the Court.

SUPERIOR COURT. Alleged Fraudulent Conversion of Bonds.

Before Judge McCunn. James E. Lyons vs. Thomas M. Isett, John Kerr et d.—An order was recently granted by Judge McCunn for the arrest of the defendants, who are charged with fraudulent conversion of bonds to a large amount.

The defendants were admitted to ball in the sum of \$200,000.

SURROGATE'S COURT.

A \$1,000,000 Contested Will Case.

Before Surrogate Tucker. In the Matter of Proving the Last Will and Testaent of Lucius Chittenden, deceased .- Lucius Chittenden, decedent, was a merchant of New Orleans, and died in 1868, leaving an instrument which is here propounded as his last will and testament, and by the provisions of which he left all his property, amounting in value to about \$1,000,000, to his wife Matilda Chittenden, nee Lockwood,

to his wife Matilda Chittenden, nee Lockwood, and to his child, an infant daughter, Lucia—to his wife seven-sixteenths and to his child the remaining nine-sixteenths of the whole estate. This will was made about a year before his death, which occurred at the age of about seventy-three years, and he was then and had for some years prior thereto been in a state of great bodily and to some extent consequent mental infirmity. This will cut off from all of his other relatives various legacles and bequests made to them in wills which he had executed prior thereto, embracing several brothers, nephews, &c.

It is claimed by the contestants that the decedent died substantially inteffate; that at the time of making this will he was mentally and physically weak, and that undue influence was exercised over him in the framing of the will by his wife. Matilda Lockwood was a lady of some twenty-five or thirty years of age, who was introduced to Mr. Chittenden by an electric physician who had undertaken the cure of his complaint, and who advised him as a means thereto to get married, and stated, it is understood, that he (the physician) knew of a young woman who would be suitable. The case embraces a large amount of family scandial and maters wholly unit for publication. The contestants claim that this will should not be admitted to probate, and that the whole of the estate should revert

to the infant Lucia, as sole heir at law, except, of course, dower-to his widow.

The case has been under investigation for two days and will probably occupy ten days further in conclusion. For the proponents, Stewart, Rich and Woodford; for the minor heir at law, James B. Metcalf and J. R. Flanders.

SIXTH DISTRICT CIVIL COURT. Board of Health Cases.

Before Judge Lane. Judge Lane was occupied during the greater part of yesterday in his sweltering court room over the hvery stable, corner of Fourth avenue and Eighteenth street, in disposing of a large number of this class of cases, which, now that the hot weather is upon us, are being vigorously prosecuted by the Board of Health. Judgments were entered for \$100 against parties who had infinitely less offensive nuisances on their premises than pervades Judge Lane's court, and the Board of Health should at once institute proceedings against the landlord of the premises, and make him pay handsomely for what the poor Judge has to suffer while discharging his duties in this intolerable and stinking room.

CITY INTELLIGENCE.

THE WEATHER. The following record will show four hours, in comparison with the corresponding

a street:—
1868. 1869. 1868.
60 70 3 P. M. 80
65 69 6 P. M. 78
70 71 9 P. M. 73
76 82 12 P. M. 69
perature vesterday 2 A. M. 60 70 3 P. M. 50 6 A. M. 65 69 6 P. M. 78 9 A. M. 70 71 9 P. M. 73 12 M. 76 82 12 P. M. 69 Average temperature yesterday.

Average temperature for corresponding day last

.. 1134 THE LATE FIRE IN ORCHARD STREET.—In the report of the fire at 124 Orchard street, published on the 21st ult., it was inadvertently stated that the premises are owned by Mr. William Matthews. Mr. Adam Wright is the owner. DEATH OF MRS. BARNES.—Coroner Rollins was

yesterday notified of the death in Believue Hospital of Mrs. Margaret Barnes, late of No. 81 Roosevelt of Mrs. Margaret Barnes, late of No. 51 Roosevelt street, who received the injuries which resulted in her death by being thrown from a second story window by ner husband, Michael Barnes, as heretofore reported in the Herald. The case will be thoroughly investigated to-day. Barnes is in custody awaiting the result of the investigation.

CAPTAIN MILLS REPRIMANDED.—The accuser of Captain Nathaniel Mills, of the Eighth police pre cinct, who caused him to be tried on the charge of selling tickets at Milford, Pa., in May last for a meselling tickets at Milford, Pa., in May last for a menageric, while on leave of a basence from the Police Board, will be grieved to learn that the Board have adjudged him deserving of a reprimand, which simply means that that body are unable to find him guitty of a violation of any of their ruies, but do not erdorse his undignified action. Mills will survive the ordeal and likely remain "Captain Mills of the Eighth precinct."

A STICK FOR SENATOR WILSON.—Senator Henry

Wilson, of Massachusetts, was made the recipient last evening by express of a stout hickory stick, cut on the banks of Salmon river, Montana Territory, on the banks of Salmon river, Montana Territory, and gorgeously mounted in gold and precious stones, the product of the Rocky Mountains. The setting in the head comprised a piece of copper quartz, while the sides of the stick near the top, hexagonal in shape, had specimens, cut in shield shape, of moss agate, amethyst and gold and silver, each surmounted by the name engraved on massive gold of the mine or gulch from whence it was taken. The cane is valued at \$500 and bears the simple inscription:—"To Henry Wilson, from A Soldier."

BODIES FOUND IN THE WATER.—The body of an

unknown man about forty years of age, dressed in a gray suit, indicating that he had been an inmate of Penitentiary, was yesterday morning found

the Penitentiary, was yesterday morning found floating off pier 28 East river by Stephen Dean, a boatman living at 53 Oak street, and made fast. Deceased was five feet eight inches in height and thad dark bair. Coroner Roilins was notified to hold an inquest on the body.

Yesterday morning the remains of a man whose name could not be ascertained was found floating in the dock foot of Delancey street, East river. Deceased wore a blue bloose and black pants and yest. The body, which was in a terrible state of decomposition, evidently had been in the water for some months.

TRIAL OF A STEAM ROLLER IN THE PARK .- A trial of a steam roller, constructed for the Commissioners of the Park, took place yesterday morning, in presence of several machinists, engineers and contractors. The roller was built in Rochester, England, and weighs about fifteen tons. After moving it over the level ground it was turned about repeatedly within a space less than its length without tearing up the road, and was then started up a hill of 2,000 feet in length on a grade of about five in 100. It moved up and down this hill with great stendiness and ease. The trial of the roller passed off satisfactority and without accident and there is every reason to believe that it will be a very effective machine in the operation of road making. ers of the Park, took place yesterday morning,

MUSIC IN THE PARK .-- The Park Commissioners announce that, if the weather be fine, there will be

and sweet and seed to designation	reducing our meets friegs
. The following is the p	rogramme:-
PART I.	
Concert Signal March	
e-"Heim Kehr aus der Frem	de !! Mendelasche
Quairy	Dodworth
No. 2 from Faust	
PART II.	
The Forest	D. A
The Furest distance	Dodworth
Divinip Panz.	· · · · · · · · · · · · · · · · · · ·
La Veuve Chequot	Lectcy
of "Mozart"—Selected from	n operas of Mozart.
"Conscieve de Brahant"	Offenhach
e_Festival	En
on O'The Vale of Real?	Mandalanaha
and the vale of heat	
Finale Home though	htw.
Olymp Fanz.T. La Veuve Clicquot. s of "Mozart"—Selected from PART III. "Genevieve de Brabant". e—Featival. sg. "The Vale of Rest". upbontium.	Zannei Lecocy n operas of Mozart. Offenbach Faust Mendelssoh Coote

HELP FOR THE SOUTH .- The charitable institutions of the South are just now suffering very much for want of funds. Depending as they do entirely upon voluntary aid. Congress naving fatied to make any provision for them, the poverty of the residents in southern States is very much felt, and the benevolent institutions are not supported with the same liberality as they were before the war. These organizations have, therefore, from time to time to appeal to the benevolent at the North in order to meet their necessary expenses. An appeal is now being made on behalf of the Sisters of Merry of Charleston, S. C. who have under their charge a female orphan asylam. The Sisters are just now very much straitened, and there is a fear that if friends are not forthcoming they will have to give up their needlinsitution. Mr. Edward Daly, of the firm of Knox, Daly & Co., of Charleston, is authorized to receive help in this city, at his store No. 124 Chambers street. Contributions of money, provisions or ciothing will be thankfully received and promptly forwarded.

An Ex-Lord Mayon of Dublin on a Visit in voluntary aid. Congress having failed to make any

EX-LORD MAYOR OF DUBLIN ON A VISIT IN New York.-Among recent arrivals in this city from the old country is Sir John Barrington, ex-Lord Mayor of the city of Dublin. This gentleman is a member of the Society of Friends, is respectably connected with the first families of that persuasion in Ireland, and is largely connected with mercantile in Ireland, and is largely connected with mercantile and mining pursuits, as are also other members of nis family, who, iske himself, are of advanced liberal opinions. The Barringtons, Pims, Malcomsons and Bewieys are well and favorably known in mercantile circles in Dublin. Yesterday Sir John, in company with a friend, Mr. Malcomson, who has long resided in this country, visited some of the public places of this city, and seemed to be quite well pleased with all he saw. Probubly before he goes back he will visit the city of Brotherly Love, and hear there, as he would at home, "the Thee and Thou of the quakers." If we mistake not, Sir John was Lord Mayor of Dublin in 1865, and in his official capacity presided at the meeting of the corporation of that city, at which resolutions were passed expressing the sorrow of the clitzens generally on receiving intelligence of the assassination of President Lincoln.

POLICE INTELLIGENCE.

CHARGE OF GRAND LABCENY .- Henry Hunter, a boy nineteen years old, was yesterday arrested on a charge of stealing clothing of the value of ninetyfour dollars, belonging to Mrs. Margaret Reynolds, No. 339 Tenth avenue. The garments were found in his possession when arrested. He was taken before Alderman Moore, acting magistrate at the Tombs, and fully committed for trial.

RIVER THIEVES .- Patrick Higgins, of No. 90 Laight street, and Michael Finlay, of No. 58 West street, went off on a piratical cruise last evening down the East river, and drew their craft alongside down the East river, and drew their craft alongside under the shadow of the Ocean Queen, of the Pacific Mail Steamship Company, lying at pier 32. Setzing a couple of tubs of butter which lay around they quickly placed them in the end of the boat and were about sailying out into the stream when officer Thompson, of the Twenty-fourth, precinct, pounced down and arrested them. The prisoners were taken before Alderman Moore yesterday afternoon, at the Tombs Police Court, and held to answer. The butter was identified as the property of the Pacific Mali Steamship Company.

Facts and Figures About the Disease.
So much excitement has been created throughout the city lately by the cry of smallpox and by the efforts of the young doctors, who act as inspectors, under the Board of Health, to enforce vaccination in the public schools, that a simple statement of the facts in the matter, given by one who has the best opportunity to know, may help to allay the excitement. Mr. George Kellock, the Superintendent of Outdoor Poor, under the Commissioners of Cirarities and Correction, has positively denied that there

were any signs of a smallpox epidemic; and, to "make assurance doubly sure," made ometal inquiry of the Warden of the Smallpox Hospital, and has received the following reply:—

Grong Kelloge, Esq., Superintendent Outdoor Poor:

Six.—In reply to your inquiry of to-day I begleave to state that during the month there were admitted 148, which, with 28 remaining at the month, made a total of 171 treated. Of these 57 were discharged and 9 died, leaving at present 68 in the hospital. Of those who died 7 had various, 1 seariatina and 1 cryspicias. Of those discharged 28 were treated for varioloid, 24 for variola 5 for variola "discreet," I for variola confluens, 2 for variola semi-confluens. The balance have been treated for various diseases, with the exception of those who, having been exposed to the infection, were sent to the hospital as a measure of precaution. Vary respectfully,

B. B. SIBEL, Warden. NEW YORK, June 1, 1869.

P. S.—Of the above admissions 53 were from Quarantic and 50 from the city.

YACHTING.

Atlantic Yacht Club Regatta.

The Regatta Committee of the Atlantic Yacht Club have completed their arrangements and rules for the regatta on Tuesday next, which is looked forward to

with an unusual degree of interest.

The race will be from the anchorage of Delaplaine House, Gowanus Bay, to a stakeboat off Coney Island Point, turning it to the eastward, thence to a stakeboat at the Horseshoe, rounding it-from west to east and then to the home stakeboat, rounding it from east to west.

The schooners and first and second class sloops,

The schooners and first and second class sloops, after rounding the stakeboat at the Horseshee, will proceed to a stakeboat at the outer Bay buoy, rounding it from south to north, and thence home by the main ship channel.

All yachts to pass to the eastward of the buoys on the West Bank, going and returning, but are not required to round the Southwest spit buoy.

The committee will be at the anchorage at haifpast nine A. M. to place the yachts. The choice of position will be given to yachts in the order of their arrival. Each yacht to have its number on the mainsail and to fly the club flag during the regatta.

At, five minutes to eleven the signal will be given to prepare for the start by dropping the club flag on the steamer; all yachts to be at anchor with jibs down.

the steamer; all yachts to be at anchor with jibs down.

At eleven A. M. the flag will be run up—the signal for first class schooners to start. This signal will be repeated for each of the other classes in succession, at the discretion of the Regata Committee.

The steamer General Sedgwick will be at the foot of Montague street, Brooklyn, to receive the club members and friends at half-past nine A. M. The Twenty-third regiment band will be in attendance to enliven the day with music, while the creature comforts will be supplied with that lavish profusion for which the Atlantic Club is noted.

It is expected that nearly all the yachts of the club will be at the regatta. They are five first class and two second class schooners, five first class, six second class and sixteen third class capin sloops, and ten fourth class, or open sloops.

The ludges are Sheppard Homans, George H. Grannis and Dr. Z. E. Lewis.

The Regatta Committee consists of Wm. McMonnies, W. H. Douglass, Charles Condit, A. E. Lewis and C. T. Lippitt.

YACHTING NOTES FROM THE "FIELD." Brighton Regntta.

contemplate arranging for an imposing regalta to take place off Brighton the week before Goodwood, and it is not unlikely that the three large American yachts and several first class English yachts will connecte.

Measurement of Yachts.

PLYMOUTH, May 14, 1869.
Sir.—For racing I think by far the most sausfactory plan, and one that would bring vessels of dif-ferent sizes together better than any other, would ferent sizes together better than any other, would be to throw over the present plan of tonnage or displacement altogether and to make the measurement once the length at the water line added to three times the greatest breadth, whether that is at the water line, above or below it.

I would take no account of draught at all.

Thus very simple plan would. I am convinced, meet more of the difficulties than any other at present proposed.

C. SIMPSON.

meet more of t sent proposed.

Havre Regutta.

The committee of the Havre Regatta Club were received by her Majesty the Empress in a private audience, at the palace of the Tulieries, on the 25th of April last. In testimony of the deep interest of April last. In testimony of the deep interest taken by her Majesty in nautical sports, she was graciously pleased to promise a prize, which will be sailed for by yachts of all nations at the ensuing regatta of the club on the 2d of August next. The prize in question will be a cup or other work of art of the value of 2000. Full particulars of sailing regulations, length of course, allowance for tonnage, &c., will be published in due time.

This race is quite independent of the Channel match from Havre to Cherbourg and back (first prize a cup, value £120, presented by Mr. James Ashbury, and a gold medal second prize, value £30), which takes place on the 16th of July next, and for which the following American yachts have already been entered, viz.:—Dauntiess, Mr. J. G. Bennett; Meteor, Mr. Lorillard, and Sappho, Mr. Dougias.

Siz-I observed a paragraph in your paper of the 16th instant stating that the yacht race to Gibraltar for the prize offered by Captain Lovett would take

for the prize offered by Captain Lovett would take place in the month of July. It is much to be hoped that some other time may be named for it, as, should it take place at that date, it will necessarily injure and back, which is fixed for July 15.

For this race—for which the first prize is a silver cup, worth £120, given by Mr. Ashbury, and the second £80, subscribed by three gentlemen of this town, and a silver gilt medal—three American yachts have already entered, and a fourth is expected to do so. The Cambria will, of course, compete, as will most probably several other English yachts; and I would here advise those yachtmen who intend to enter their vessels to loss no time in securing their pilots, four of the best hav-ting already been engaged for this race, for which the entries close on June 30. FREDERIC BERNAL.

BASE BALL NOTES.

The Rose Hill boys, of St. John's College, Fordam, gave the Eckfords a splendid game on Thursday, but were defeated with a score of 10 to 6. It was really the best game of the season so far, and played with a spirit of life and gentlemanliness highly entertaining.
The Eagles of Flatbush came down to Brooklyn on

Thursday and attempted to breast the Atlantics'

Thursday and attempted to breast the Atlantics' waves. They failed, of course, and secured but 9 tables, while the Atlantics secured 59.

Snyder has determined to come, with "Eagle Peck," under the shadow of the Heraldo.

The Empires had a first class practice game on Thursday. The nines have not yet been decided on finally, but will, in all probability, be definitely settled on Monday. This delay has been caused, it is understood, for the purpose of having all the aspirants for first nine honors practice, and to do their best playing to win the favorable consideration of the Board of Directors. The result has been that the players are generally in good condition, and when they commence their battles they should give any or all the amatetus plenty of tough work.

To-day the first really important game of the season in this vicinity will be played at the Union grounds, Brooklyh, E. D. The contestants will be the Mutuals and the Eckfords, and the ultimate prize the champlonship of the United States. Such contestants, with such a prize in view, should give a first class game, and will undoubtedly attract a large audience.

POST OFFICE-FISCAL YEAR.

The result of the last fiscal year's transactions with foreign countries through the foreign department of the l'ost Office in this city is shown in the following statement:-The number of letters for-warded amounted to 5,900,307, and the number received was 5,228,225, so that in the aggregate the number received and forwarded was 11,128,532, which, as compared with the previous fiscal year, is an increase of 242,392 in the inward mails and 587,596 in the outward mails, and a total of \$30,298 letters, viz.:-Received. Forwarded.

reat Britain	2, 100, SWI	2,454,931
TINKE	566,412	537,834
ance	851,701	939,248
igium	33,390	32,816
emen	627,313	789,099
mburg	337,440	561,802
therlands	20,764	26,198
ritzerland	10,925	19,132
IV	16,837	10,926
est Indies	379,500	267,548
nama	107,717	117,932
xico	12,495	16,704
azil	55,815	
earagua	2,161	67,080
nezuela	MI TOL	1,364
lize, Honduras	3,855	520
	0,800	1,280
ina	• • • • • • • • • • • • • • • • • • • •	10,643
moidid		9,252
Total	5,009,005	6,900,307
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RECAPITUL		The same of the same of
rwarded	***********	5,228,225
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Increase over last fiscal year:-Received. 242,392
Forwarded 557,006